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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,555	08/22/2003	Ali Sazegari	P2807-828	8696

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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NGO, CHUONG D

ART UNIT	PAPER NUMBER
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2193

NOTIFICATION DATE	DELIVERY MODE
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07/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,555	<b>Applicant(s)</b> SAZEGARI ET AL.	
	<b>Examiner</b> Chuong D. Ngo	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8,9,16,18,19,21-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,16,18,19,21-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1,4-6,8,9,16,21-25 and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1,4-6,8,9,16,21-25 and 27 are directed to a computer related inventions that merely perform calculation and manipulation of data. In order for such a claimed invention to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, OG Notices: 22 November 2005. It is clear from claims 1,4-6,8,9,16,21-25 and 27 that the claims merely involve calculations and manipulations of data in performing calculations. The inputs are numbers and the outputs are also numbers. The claimed inventions do not result in a physical transformation. Further, the result of the invention is merely numerical values without a practical application recited in the claims that makes the result useful, concrete and tangible. The mere recitation in the claims that the input and output are input and output value for a media signal does not necessarily constitute any practical application for the invention. The result produced by the claimed invention is clearly a mere value that approximates a mathematical function of an input value, it does not have a real world value and thus is not result useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to accomplish a practical application.

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2. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Betrisey et al. (6,360,023) in view of Hurley (5,235,410).

Betrisey et al. disclose in figure 3 a method for processing an image for display in a computer system including receiving an input display value for a pixel of the image in a first color space (foreground color, background color), generating a corrected display value in a second color space corresponding to the gamma of a display device in accordance with said input display value (311,313); processing said corrected display value by combining the corrected display value with another display value in said second color space to generate a blended display value for said pixel in said second color space to produce a processed display value for said pixel (312); and converting said processed display value to said first color space said processed display value by an inverse function of the generating a corrected display value in a second color space (314). It is noted that Betrisey et al. does not disclose the generating a corrected display value by a second-order polynomial that approximates a power function corresponding to the gamma of a display device, and the converting the processed display value to said first color space by evaluating a polynomial that is the inverse of said second-order polynomial. However, Hurley discloses a generation of a corrected display value by a second-order polynomial that approximates a power function corresponding to the gamma correction (see figure 6). It would have been obvious to a person of ordinary skill in the art to approximate a power function corresponding to the gamma correction and its inverse in Betrisey et al. by a second-order polynomial and the inverse of the second-order polynomial, respectively, as suggested by Hurley, in order to perform the gamma correction and its inverse in a simple and effective

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manner (see Hurley, col. 3, lines 1-3). The approximation would obviously yield an error that is below some prescribed threshold value as claimed.

3. Applicant's arguments filed 02/09/2008 have been fully considered but they are not persuasive.

Regarding the rejection under 35 USC 101, it is respectfully submitted that the mere recitations in the claims that the input and output are input and output values for a media signal, and outputting data values as digital representations of the media output signal do not necessarily constitute or warrant a practical application that produce a useful, concrete and tangible result for the invention. In deed, the result produced by the invention as recited in the claim is still a mere value that approximates a mathematical function of an input value. It does not have any real world value and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to accomplish a practical application. It should be noted that in State Street, the claimed data processing system is statutory subject matter because it produces a real world result --a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades -- which result is clearly useful, concrete and tangible. Whereas, the present invention produce a result that is a mere number approximating a mathematical function of an input value without a practical application recited in the claims to make it useful, concrete and tangible.

Regarding to the rejection of claims 18 and 19 under 35 USC 103, applicant's argument are not persuasive since both Betrisey et al. and Hurley disclose gamma corrections for a display

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device as that of the present invention and as explained in the rejection, the combination of Betrisey et al. and Hurley would have been obvious and resulted in the invention as claimed.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong D. Ngo whose telephone number is (571) 272-3731. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis, Jr. A. Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/06/2008

/Chuong D Ngo/  
Primary Examiner, Art Unit 2193